



**IT IS ORDERED**

**Date Entered on Docket: August 1, 2018**

**The Honorable David T. Thuma  
United States Bankruptcy Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW MEXICO**

In Re:

MICHAEL DAVID DELAGARZA,

No. 18-11526-j7

Debtor,

PRESTIGE FINANCIAL  
SERVICES, INC.,

Movant.

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
AND ABANDONMENT BY DEFAULT**

This matter came before the Court on Movant's Motion for Relief From Stay and Abandonment (Doc. #10) filed on June 28, 2018. Pursuant to Bankruptcy Rule 9014, a copy of the motion along with a Notice of Deadline For Filing Objections To Motion For Relief From Stay and Abandonment (Doc. #11) were mailed on June 28, 2018 to the

Debtor, his attorney, and the trustee, requiring that an objection be filed with the court and served on attorney for movant on or before July 23, 2018. The Notice was served in the manner prescribed by Bankruptcy Rule 7004 and no objection or other responsive pleading has been filed by the Debtor, his attorney or the trustee.

Creditor certifies under penalty of perjury, pursuant to 50 USCA Appx Section 521 (2004), that it conducted a search of the Department of Defense Manpower Data Center and found that Debtor is not currently on active military duty.

THE COURT FINDS AND ORDERS that the Motion for Relief From Stay and Abandonment filed by Movant on June 28, 2018 in this case is well taken, the motion is granted, the automatic stay is terminated as to the 2011 Ford Escape (the "Collateral") and the Collateral is deemed abandoned by the trustee. Movant may proceed with its legal remedies as to the Collateral pursuant to the contract and applicable law.

The Court further orders that Rule 4001(a)(3) is not applicable and Creditor may immediately enforce and implement this order granting relief from the automatic stay.

**###END OF ORDER###**

SUBMITTED BY:

LAW OFFICES OF ALLAN L.  
WAINWRIGHT, P.A.

By /s/Allan L. Wainwright  
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